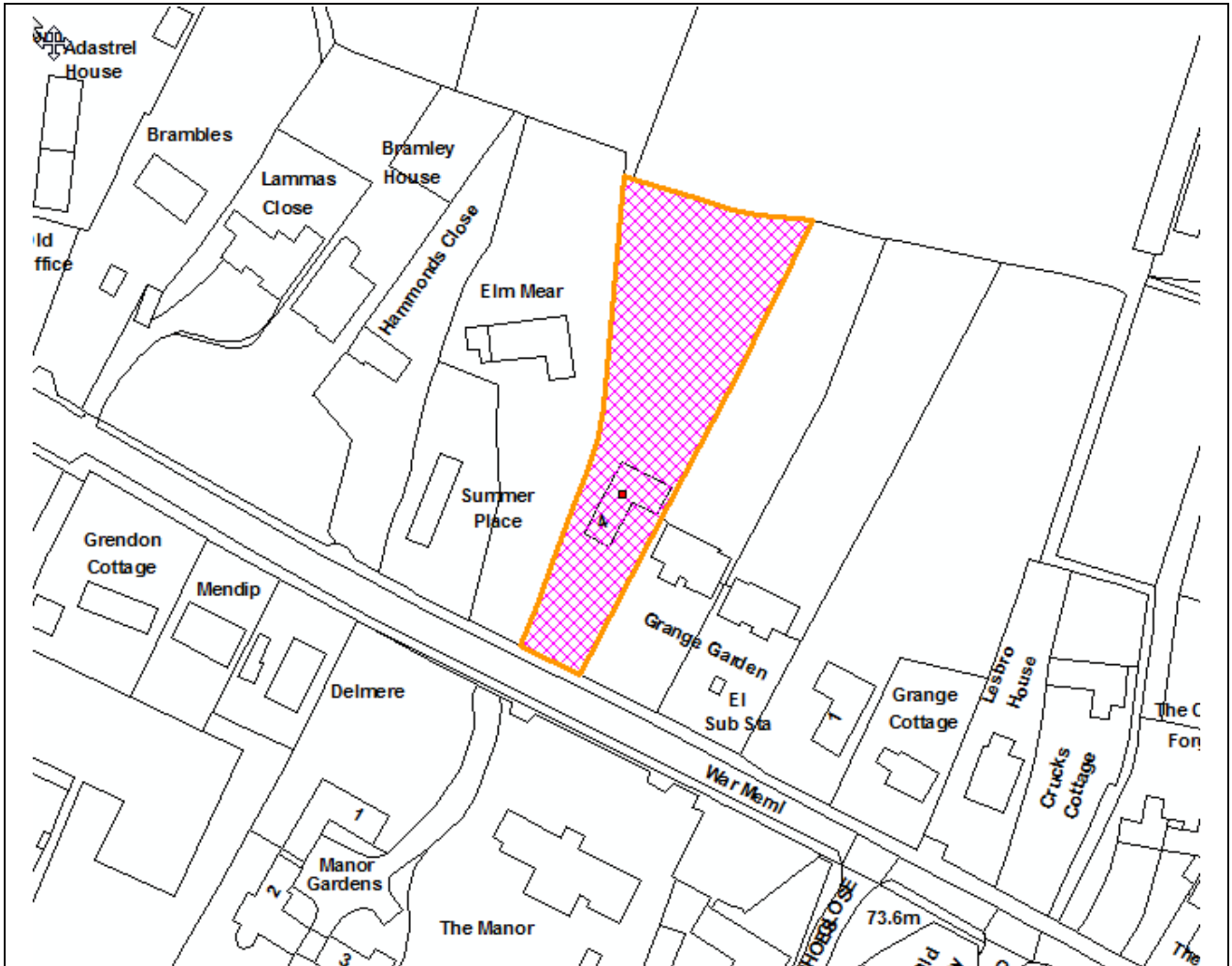


18/02343/APP



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| REFERENCE NO | PARISH/WARD | DATE RECEIVED |
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| 18/02343/APP | GRENDON UNDERWOOD The Local Member(s) for this area is/are: - | 02/07/18 |
| CREATION OF VEHICULAR ACCESS AND RELOCATION OF PRIORITY SYSTEM GIVE WAY MARKINGS 4 GRANGE GARDENS MAIN STREET HP18 0UD MR HARRY CROSS | Councillor Cameron Branston | |
| STREET ATLAS PAGE NO. 83 | | |

1.0 The Key Issues in determining this application are:-

- a) The principle of the development and the impact upon the character and appearance of the area**
- b) Impact on residential amenity**
- c) Impact on the setting of the conservation area and listed building**
- d) Impact on Highways safety**

The recommendation is that permission be **GRANTED, subject to conditions**

2.0 CONCLUSION AND RECOMMENDATION

2.1 In the light of the assessment of the proposal set out in the report, the conclusion is that the proposal would have no unacceptable impact on the character and appearance of the area, or on the significance of heritage assets, and would not result in any unreasonable harm to the amenity of occupiers of the nearby residential properties.

2.2 The impact of the proposal, which includes relocation of the priority give way markings, on the safety and convenience of highway users including users of the proposed access, has been given consideration by the highway authority and the advice received indicates that there is no highway objection to the proposal. The proposal therefore complies with the relevant policies and advice in the NPPF.

2.3 Given the above assessment, it is recommended that the application be APPROVED subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 US07 - The materials to be used in the development shall be as specified on the submitted application form and approved plans.

Reason: To ensure a satisfactory appearance to the development and to comply with GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

- 3 Prior to the first use of the new vehicular access hereby approved, it shall be designed in accordance with the approved plans and shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and to accord with the NPPF.

- 4 Prior to the first use of the new vehicular access hereby approved, minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway from both sides of the new access onto Main Street shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access and to accord with the NPPF.

- 5 Prior to the first use of the new access hereby approved, details demonstrating how the original access shall be stopped up, prohibiting vehicular access from No. 4

Grange Gardens to the original access shall be submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be implemented in full within one month of the use of the new access commencing and the approved scheme shall be retained in perpetuity. .

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to accord with the NPPF.

- 6 Prior to the first use of the new vehicular access hereby approved, the relocation of the give way line to North West shall be implemented, in accordance with the approved plans, and shall be undertaken under a Section 184 agreement with the Highway Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and to accord with the NPPF.

7. Prior to the commencement of development, details of a piped or culverted drainage system within the existing ditch shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the first use of the approved access and thereafter retained in perpetuity.

Reason: To ensure that the free flow of surface water in the ditch continues and to comply with the National Planning Policy Framework.

INFORMATIVES

1. The applicant is advised that the off-site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt of the Highway Authority of a written request. Please contact Development Management at the following address for information:

Highways Development Management
6th Floor, New County Offices
Walton Street, Aylesbury,
Buckinghamshire
HP20 1UY
Telephone 01296 395000

<https://www.buckscc.gov.uk/services/transport-and-roads/highways-development-management/apply-online/section-184-licence/>

2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto public highway. Facilities should therefore be provided and used on the development site for clearing the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, the Council,

in dealing with this application, has worked in a positive and proactive way with the Applicant / Agent and has focused on seeking solutions to the issues arising from the development proposal.

AVDC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions.

In this case, AVDC has considered the details as submitted which were considered acceptable.

3.0 INTRODUCTION

3.1 The application needs to be determined by committee as the parish council has raised material planning objections and indicated that they wish to address the Committee. The Parish Council objected to the proposal, expressing concern in relation to highway safety, stating that the proposed access would be too close to the existing traffic calming features and the proposed new entrance is exactly opposite the entrance to Manor Gardens which would create confusion and necessitate extensive reworking of the current traffic management system.

3.2 The Highway Authority is satisfied with the proposal, subject to conditions, and has not raised any objection on road safety grounds. It is therefore considered that there would be no justification for a refusal on this basis.

4.0 SITE LOCATION AND DESCRIPTION

4.1 The application relates to an L-shaped detached modern chalet-style dwelling, with five bedrooms, located on the north side of Main Street within the built-up area of Grendon Underwood. The property benefits from an attached double garage, and in front of the house there is a gravelled parking and turning area capable of accommodating a further six cars. The vehicular access to the parking and the application site is from the south east across the frontage of the adjoining houses. The single access from the Main Street is currently shared by all four dwellings that comprise Grange Gardens.

4.2 Grange Gardens comprised four detached dwellings, with the subject property at the north western end and no. 3 Grange Gardens to the south east. To the northwest is Elm Mear, set well back from the road, and Summer Place further west. To the northeast of the extensive rear garden is open countryside. Main Street has a mixture of housing types, styles.

4.3 The application site is adjacent to Grendon Underwood Conservation Area, which incorporates Main Street at this point and the land opposite, and is within a designated area for Great Crested Newts. There is a public right of way across the land to the rear of

the application site. Summer Place is a Grade II listed building and is within the Conservation Area.

- 4.4 The land is flat. The property frontage comprises a gravelled parking area along with a lawned area. The front is bounded by a 1.8m high timber fence to Main Street, set behind a verge and ditch. The fence extends along the boundary with Elm Mear. There are also trees at the rear of the side fence within Elm Mear's boundary. The fence along the front boundary continues with a row of Laurel hedging across the Grange Gardens frontage to the southeast. There is planting along the boundary between no. 3 and no. 4, and no boundary fence. The shared access drive extends across this boundary to the frontage parking area.
- 4.5 Forward of the boundary between no. 3 and the no. 4 is a 'build out' within the carriageway, restricting traffic movements by reducing the width of the carriageway. The 'give way' lines within the nearside carriageway are positioned midway along the frontage of No.4.

5.0 PROPOSAL

- 5.1 The application seeks full planning permission for the creation of an individual vehicular access across the frontage of no. 4 Grange Gardens to provide direct access from Main Street, and relocation of the highway priority system give way markings that form part of the highway priority system further to the northwest. This new access would serve only No. 4 Grange Gardens. The existing access is located further along Main Street, about 70m to the south east, used by all the occupiers of Grange Gardens. The proposal includes closure of the link between No. 4 and the shared access drive.
- 5.2 The proposed access is located between the 'build out' traffic calming feature and the give way line. To create the new vehicular access onto Main Street, a small section of the timber fencing would be removed (approximately 3.5m wide). The proposed new access would extend from the boundary of the dwelling across a grass verge and ditch, to the highway, a distance of about 1.7m, the drawing showing a drainage pipe to be provided to maintain flow in the ditch under the crossover. The proposed access would be located about 0.2m next to a priority traffic calming feature, and would be about 1.3m from the give way line prior to the kerb build out. The materials used would be SUDS-compliant permeable asphalt and tarmac.
- 5.3 The proposal drawing indicates relocation of the 'give way' road markings to the northwest to clear the bellmouth of the proposed access. In addition, tracking diagrams have been provided showing that a car could enter and leave the site from/to both directions along Main Street, and that provision for a car to turn would be maintained within the site itself.

6.0 RELEVANT PLANNING HISTORY

6.1 85/02194/AOP – Residential Development 4 dwellings – Approved on 14.04.1988

6.2 85/00471/AV – Residential Development Gardens (16 Houses) – Refused on 06.06.1985

6.3 96/01339/APP – Extension to gardens into existing paddock – Approved on 5.9.1996

17/00735/APP - Garage conversion and erection of part two, part single storey rear and side extension. – Approved.

7.0 PARISH/TOWN COUNCIL COMMENTS

7.1 Grendon Underwood Parish Council objects to this development following residents' objections on the grounds that the access would be too close to the existing traffic calming. The proposed new entrance is at Grange Gardens exactly opposite the entrance to Manor Gardens which would create confusion and necessitate extensive reworking of current traffic management. The Parish Council added that they will attend any planning committee if held in respect of this application.

8.0 CONSULTATION RESPONSES

8.1 Buckinghamshire County Council Highways commented that there is adequate turning and manoeuvring space within the limits of the site to ensure that no vehicle will have to wait or reverse onto the highway and has no objections subject to conditions. The conditions suggested include construction of the access to the required standard (which would include measures to pipe the ditch), provision and maintenance of visibility splays, closure of the link to the shared access, and relocation of the 'give way' lines in accordance with the submitted drawing.

8.2 The Heritage Officer commented that this application is adjacent to a listed building. However, given the nature of the proposals there is not any likely impact on the setting of the adjacent listed building and therefore there is no requirement for further heritage comments.

8.3 Buckingham and River Ouzel Drainage Board has no comments to make regarding this planning application.

9.0 REPRESENTATIONS

Six letters of objection have been received, including one sent anonymously, all raising similar concerns relating to highway safety. These include the following points:

- The relocation of 'give way' markings towards the school would impact on Elm Mear, The Manor and Manor Gardens, a 3 house cul-de-sac. Cars from these

dwellings would find it more difficult to pull out safely onto highway, due to the road narrowing feature.

- Cars often park on the path side of the road. Moving the 'give way' markings towards the school would make the road more congested.
- There is already a considerable amount of traffic due to school. This change would result in an increased risk to children when they are being dropped off and collected.
- There has been no consultation on this change to the road narrowing feature. This took a long time to agree in first place. Benefits to one resident are outweighed by detriment to several others.
- Concern over accessibility for large delivery vehicles.

10.0 EVALUATION

10.1 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (July 2018) and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations.

10.2 The presumption in favour of sustainable development in decision-taking is explained at paragraph 11 of the NPPF. Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:,

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

10.3 For the purpose of this application, the Development Plan comprises the saved policies of AVDLP. There is currently no Neighbourhood Plan for Grendon Underwood.

a) The principle of the development and the impact upon the character and appearance of the area

10.4 Policy GP35 of AVDLP states that the design of new development proposals should respect and complement the physical characteristics of the site and the surroundings; the building tradition, ordering, form and materials of the locality; the historic scale and context of the setting; the natural qualities and features of the area; and the effect on important public views and skylines.

10.5 The subject dwelling is currently served by the existing tarmac crossing and shared access serving the four dwellings at Grange Gardens. The proposed individual access would provide a tarmac-surfaced driveway for the sole use of No. 4, and the existing link to the shared driveway would be closed off. The access is shown crossing a grass verge between the boundary and the road. The drainage ditch would be piped under the access. This would be controlled by condition. The new entrance access point would be about 1.3m to the northwest of the 'Give Way' sign on Main Street and there is a telegraph pole about 2 metres from the kerbline of the bellmouth of the proposed new entrance. The proposal involves the removal of approximately 3.5m of the close boarded frontage fence and the surfacing of a section of this grass verge. It is also proposed to relocate the existing 'Give Way' road markings about 2.8m to the North West away from the proposed new access. Given the modest scale of the new access and the fact there are already several similar accesses along the road frontage in this vicinity, it is not considered that this change would result in any significant detrimental impact on the appearance of the site or the street scene in general.

10.6 In summary the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the streetscene or the locality in general. The proposal is therefore considered to comply with GP35 of the AVDLP and advice relating to quality of design in NPPF.

b) Impact on the setting of the conservation area and listed building

- 10.7 Section 16 of the NPPF (2018) states that heritage assets should be conserved in a manner appropriate to their significance. It adds that Local Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal, including to the setting of a heritage asset. It also states that great weight should be given to the asset's conservation, and any harm to, or loss of, the designated heritage asset should require clear and convincing justification.
- 10.8 GP53 of the AVDLP advises that In Conservation Areas the Council will seek to preserve or enhance the special characteristics that led to the designation of the area and proposals for development will not be permitted if they cause harm to the character or appearance of Conservation Areas, their settings or any associated views of or from the Conservation Area.
- 10.9 The stretch of Main Street fronting the site is within the Grendon Underwood Conservation Area, , and therefore the crossover would be within the Conservation Area. Summer Place, a Grade II listed building, is located about 27m from the proposed access, with several fences and hedges in between.
- 10.10 It is acknowledged that there are numerous residential accesses along Main Street, both within and outside the designated Conservation Area. Residential access points are a significant element in the street scene, part of the established character of the area. Consequently, it is considered that the creation of a tarmacked driveway, removal of a section of fencing and the replacement of a narrow section of the grass verge would not harm the character and appearance of the Conservation Area or the setting of the listed building, a heritage asset sited 27m from the proposed access.
- 10.11 The Heritage Officer has commented that given the nature of the proposals there is unlikely to be any adverse impact on heritage assets. It is considered in the light of this advice and the assessment above that the proposal would have no adverse impact on the significance of either of the identified assets.
- 10.12 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the setting of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted is a higher duty. It has

been concluded that the development would preserve the character and appearance of the setting of the conservation area and that the setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage asset, and as such the proposal accords with guidance contained within the NPPF and GP53 of AVDLP.

c) Impact on residential amenity

10.13 AVDLP GP8 states that permission for development will not be granted where unreasonable harm to any aspect of the amenities of nearby residents would outweigh the benefits arising from the proposal. There are residential properties near the site and in particular Elm Mear is the adjoining neighbour located to the west. No. 1, 2 and 3 Manor Gardens and The Manor over the road and opposite the site.

10.14 The proposal may be visible to the occupants of other dwellings on Grange Gardens and occupants of dwellings to the south of Main Street. However, due to the modest scale of the proposal and prevalence of residential access points along Main Street, limited visual impact and the distance between the proposed new access and neighbouring dwellings (at least 25 m) it is not considered that there would be a material impact on the levels of residential amenity enjoyed by the occupants of these dwellings. The proposed access therefore has no implications for residential amenity.

10.15 In summary, given the scale and positioning of the proposal and its relationship relative to the neighbouring properties in terms of scale it is considered that the proposal would not unreasonable amenity impact. Therefore the proposal accords with GP.8 of AVDLP and advice within the NPPF.

d) Impact on highways and parking

10.16 The NPPF notes at paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, paragraph 110 states (c) that planning authorities should seek to create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

10.17 A number of local residents have objected to this application on the grounds that the proposal would create a new access and by moving the markings further North West, it

would potentially cause obstruction to access and restrict visibility onto a very busy part of Main Street close to the village school. These concerns are reflected by the Parish Council.

- 10.18 In line with the standard procedure, advice has been sought from the Highway Authority. The Buckinghamshire County Council Highways Engineer has indicated that the proposed access is located on Main Street which is a C class road subject to a 30mph speed limit. In the vicinity of the site there is access to a pedestrian footway opposite the site, and public transport links can be found a short walking distance to the east of the site. Street lighting is not present for the length of Main Street, however, adjacent to the site there is a traffic calming feature which benefits from a street light. The proposed development includes the creation of a vehicular access and relocation of the priority system give way markings.
- 10.19 The Highways Officer also commented that Grange Gardens currently benefits from one access point which serves four existing dwellings. This application wishes to create a new access onto Main Street to serve no. 4. In order to prohibit the other dwellings at Grange Gardens from using this new access, the route from these dwellings to the new access shall be stopped up.
- 10.20 In accordance with Manual for Streets the required visibility splays are measured from 2.4m X 43m in both directions to the near side carriageway edge. The Highways Officer is satisfied that these vision splays can be achieved in both directions and this can be secured through the imposition of a condition.
- 10.21 By creating a new access onto Main Street in this location an adjustment to the traffic calming feature is required. The give way line to the build out feature is proposed to be relocated to the North West to a new location midway between the existing access serving Elm Mear and the proposed. In previous informal advice provided to the applicant, the Highway Authority consulted with the Buckinghamshire County Council Road Safety Team. The Road Safety Team raised concerns due to the close proximity of the proposed access to the traffic calming feature. The Road Safety Team made an assessment of the traffic calming feature in terms of road collision data and general road safety and whilst they raised concerns about the proximity to the traffic calming feature, due to this access being from one dwelling only and the give way is to be relocated, they have raised no objections.
- 10.22 As part of this application vehicle tracking has been submitted which shows that with the relocation of the give way line a vehicle can enter and egress the site without restricting the

free flow of traffic along Main Street. The relocation of the give way line can be secured by way of condition.

- 10.23 The new access will be required to be constructed in accordance with the Buckinghamshire County Council Standards for a Private access, which can be secured by way of condition. This process would ensure that the highway ditch is piped adequately to maintain the flow of water.
- 10.24 It is considered by the Highway Authority that there is adequate turning and manoeuvring space within the limits of the site to ensure that no vehicle will have to wait, or to reverse onto the highway. Therefore taking the above into consideration, the Highway Authority has no objections subject to the conditions. Adequate parking would be retained within the site to accord with policy GP24 and the adopted parking standards.
- 10.25 It is recognised that every access point on to a public highway facilities turning manoeuvres which are a potential source of conflict between users of the highway and users of the access, with implications for safety and convenience. Nevertheless, as noted above, this is a residential street and there are numerous individual and shared accesses along Main Street. The addition of one new access among many, with adequate visibility in both directions, could not be considered to give rise to an unacceptable impact on highway safety or a residual 'severe' cumulative impact on the highway network. The relocation of the give way markings is considered to have no adverse impact on safety or convenience: there is no reason to consider the new location to perform either better or worse than the existing location in terms of safety or convenience. The Highway Authority is satisfied with the proposal subject to conditions. Consequently, it is considered that in the absence of any significant adverse impact on the safety or convenience of road users or the performance of highway network, the proposal is compliant with NPPF advice and there would be no justification for refusal.

Case Officer: Bibi Motuel

Telephone No:01296 585163